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8 Attorney for Petitioner KAREN BODDEN

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 KAREN BODDEN,
13 Petitioner,
14 v.
15 JO GENTRY, et al.
16 Respondents.

Case No. 2:14-cv-01968-RFB-NJK

**UNOPPOSED MOTION FOR AN
ENLARGMENT OF TIME IN WHICH
TO FILE OPPOSITION TO MOTION
TO DISMISS**

(Third Request)

17
18 Petitioner, Karen Bodden, by and through the Office of the Federal Public
19 Defender, moves this Court for an enlargement of time of thirty (30) days in which to
20 file the Opposition to the Motion to Dismiss. This motion is based upon the attached
21 declaration of counsel and all pleadings and papers on file herein.

22 DATED this 24th day of March, 2017.

23 Respectfully submitted,
24 RENE L. VALLADARES
25 Federal Public Defender

26 /s/ Armilla Staley-Ngomo
ARMILLA STALEY-NGOMO
Assistant Federal Public Defender

DECLARATION OF ARMILLA STALEY-NGOMO

STATE OF NEVADA)
)
COUNTY OF CLARK) ss:

I, ARMILLA STALEY-NGOMO, hereby declare under penalty of perjury the following is true and correct:

1. I am an Assistant Federal Public Defender in the Non-Capital Habeas Unit of the Federal Public Defender's Office.

2. On May 8, 2015, the Federal Public Defender's Office was appointed as counsel for Petitioner Karen Bodden, and was given thirty (30) days to file an appearance. ECF No. 6. On June 17, 2015, Assistant Federal Public Defender Melanie Gavisk entered her appearance. ECF No. 9. On June 3, 2016, Ms. Gavisk filed the First Amended Petition for Writ of Habeas Corpus with exhibits. ECF Nos. 18-36.

3. On August 10, 2016, I entered my Notice of Appearance in this matter due to Ms. Gavisk leaving the Federal Public Defender's Office. ECF No. 40. However, I was on maternity leave from July 25, 2016 until October 26, 2016, and was therefore unable to work on Ms. Bodden's case during that three-month time period.

4. On September 7, 2016, Respondents' filed the Motion to Dismiss. ECF No. 41. Defense counsel's opposition to the motion to dismiss is currently due on March 31, 2017.

5. This is defense counsel's third request for an extension. Since my return from maternity leave, I have been assigned to eleven non-capital habeas corpus matters in which amended petitions are due, including three matters that were prioritized because the petitioners had AEDPA time remaining on their amended

1 petitions. All of my other pre-petition matters currently have deadlines within the
 2 next three months—on or about June of 2017. I therefore require additional time to
 3 effectively and thoroughly represent Ms. Bodden—a petitioner whom defense counsel
 4 believes is innocent and has been wrongfully convicted. More specifically, I require
 5 additional time to review the case file, conduct additional research and investigation,
 6 visit Ms. Bodden at the Florence McClure Women’s Correctional Center, and prepare
 7 the opposition to the motion to dismiss. This motion is not filed for the purposes of
 8 delay, but in the interests of justice, as well as in the interests of Ms. Bodden. Nev.
 9 R. Prof. Conduct 1.1.

10 6. On March 22, 2017, I contacted Deputy Attorney General Matthew
 11 Johnson via email regarding this request, and was advised that he is not opposed to
 12 this request for an enlargement of time. However, his lack of objection should not be
 13 construed as a waiver of any procedural defenses, as a concession that any amended
 14 petition will be considered timely filed, or as a basis for equitable tolling.

15 7. For the reasons stated above, as well as the files and records in this case,
 16 I ask this Court to grant my request for an extension of time of thirty (30) days, and
 17 order that the opposition to the motion to dismiss be filed on or before April 30, 2017.

18 I declare under the penalty of perjury that the foregoing is true and correct.
 19 DATED this 24th day of March, 2017.

20 IT IS SO ORDERED:

21 
 22

23 RICHARD F. BOULWARE, II
 24 United States District Judge

25 DATED this 28th day of March, 2017.

Respectfully submitted,
 RENE L. VALLADARES
 Federal Public Defender

/s/ Armilla Staley-Ngomo

ARMILLA STALEY-NGOMO
 Assistant Federal Public Defender

CERTIFICATE OF SERVICE

In accordance with the Rules of Civil Procedure, the undersigned hereby certifies that on this 24th day of March, 2017 a true and correct copy of the foregoing was filed electronically with the United States District Court. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

Matthew S. Johnson
Deputy Attorney General
100 North Carson Street
Carson City, NV 89701

/s/ Jessica Pillsbury

An Employee of the
Federal Public Defender,
District of Nevada